

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ADNAN ABU SELEH, a resident of the  
State of Washington, on behalf of himself  
and his marital community,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION,

Defendants.

CASE NO. 2:21-cv-00457-RAJ

**ORDER DENYING MOTION  
FOR RECONSIDERATION**

**I. INTRODUCTION**

This matter comes before the Court on Plaintiff's Motion for Reconsideration. Dkt. # 27. For the reasons below, the Court **DENIES** the Motion.

**II. BACKGROUND**

In November 2018, Plaintiff filed a complaint in Washington state court for claims arising out of his employment at the Washington State Department of Transportation ("WSDOT"). Dkt. # 17-1. Plaintiff alleged that he was subjected to discrimination, a hostile work environment, and retaliation based upon race, national origin, religion and disability. *Id.* at 2. He complained that he was denied promotions, experienced unwarranted discipline

1 and negative performance reviews, and was subjected to harassment, theft, investigation, and  
2 a lack of meaningful work. *Id.* at 3. About a year after the complaint was filed, in October  
3 2019, WSDOT terminated Plaintiff from his employment. Dkt. # 17-2 at 5. In April 2020,  
4 Plaintiff amended his complaint to include allegations for wrongful termination. *Id.* In May  
5 2020, the parties settled the action with a Stipulated Judgment under Civil Rule 68. Dkt. #  
6 17-4. In June 2020, the court approved and entered the Stipulated Judgment. *Id.*

7 In April 2021, Plaintiff filed a complaint in this Court alleging that he was subject to  
8 discrimination, a hostile work environment and retaliation based upon race, national origin,  
9 age and sex. *See* Dkt. # 1. He alleged that WSDOT denied him promotions and training, and  
10 then wrongfully terminated him. *Id.* In August 2021, Plaintiff amended his complaint. Dkt. #  
11 9. The amended complaint included claims under Title VI and Title VII of the Civil Rights  
12 Act, and 42 U.S.C. § 1981. *Id.* In June 2022, Defendant moved for judgment on the  
13 pleadings and this Court granted the motion. Dkt. ## 17, 25. The Court found that the federal  
14 employment discrimination and retaliation claims were based on the same operative events  
15 of the state court action—*i.e.*, his lack of promotion and opportunities, and then the  
16 termination of his employment. Dkt. # 25 at 5-6. Plaintiff now moves for reconsideration.  
17 Dkt. # 27.

### 18 **III. LEGAL STANDARD**

19 Motions for reconsideration are disfavored under the Local Rules for the Western  
20 District of Washington. *See* LCR 7(h)(1). Thus, “in the absence of a showing of manifest  
21 error in the prior ruling or a showing of new facts or legal authority which could not have  
22 been brought to [the Court’s] attention earlier with reasonable diligence,” such motions will  
23 ordinarily be denied. *Id.*

### 24 **IV. DISCUSSION**

25 Plaintiff’s motion for reconsideration merely rehashes arguments that he already  
26 raised regarding claim preclusion and the Eleventh Amendment bar on Section 1981 cases.  
27 Not only are these arguments improper for a motion for reconsideration, they are not

1 persuasive and misunderstand or misstate applicable law. Plaintiff fails to show that the  
2 Court made substantive mistakes of law or fact or that extraordinary circumstances exist  
3 requiring reconsideration to prevent manifest injustice. Accordingly, the motion is denied.

4 **V. CONCLUSION**

5 For the foregoing reasons, the Court **DENIES** Plaintiff's Motion for Reconsideration.  
6 Dkt. # 27.

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8 Dated this 5th day of April, 2023.

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12 The Honorable Richard A. Jones  
13 United States District Judge  
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